

2015

Fourth Circuit DUI Court Program Manual



Fourth Circuit DUI Court
78 Sherman St.
Deadwood, SD 57732

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Mission Statement

The mission of Fourth Circuit DUI Court is to increase community safety by reducing recidivism of our participants and break the cycle of addiction through the efficient use of public funds.

Program Goals

1. Increase public safety by integrating the criminal justice system with treatment systems and community resources
2. Increase individual length of involvement in treatment and other maintenance systems
3. Increase the number of offenders able to work, parent, and participate in the community as sober, productive citizens
4. Reduce incarceration time for non-violent offenders
5. Reduce recidivism

Introduction

What is DUI Court

DUI Court is a specialty court whose aim is to address specific issues arising from a growing DUI problem in this State and in our Circuit. It is a judicially supervised alternative program to incarceration for driving under the influence (DUI) offenses. DUI Courts are a collaborative community effort aimed at increasing public safety, holding offenders accountable, and decreasing recidivism. This Circuit's DUI Program has teamed up with law enforcement to form a strong bond and apply law enforcement in a manner which many in the community seldom observe. Law enforcement's involvement will differ from its perceived obligations, offering assistance to the participants in an effort to help maintain participant sobriety.

Program Outline

DUI Court is a voluntary program, which includes regular appearances before the DUI Court Judge, frequent and random drug and alcohol testing, substance abuse counseling in individual and group settings, mental health counseling, educational classes, a system of behavior modification based on incentives and sanctions, and intense community supervision by the DUI Court Team. DUI Court requires participants to participate in community support groups and to be employed. The length of the Program is at least sixteen (16) months.

10 Guiding Principles of a DUI Court

The National Association of DUI Court Professionals has published *The Ten Guiding Principles of DUI Courts*.

Defining DUI Courts: The Ten Guiding Principles

Guiding Principle #1: Determine the Population.

Guiding Principle #2: Perform a Clinical Assessment.

Guiding Principle #3: Develop the Treatment Plan.

Guiding Principle #4: Supervise the Offender.

Guiding Principle #5: Forge Agency, Organization & Community Partnerships.

Guiding Principle #6: Take a Judicial Leadership Role.

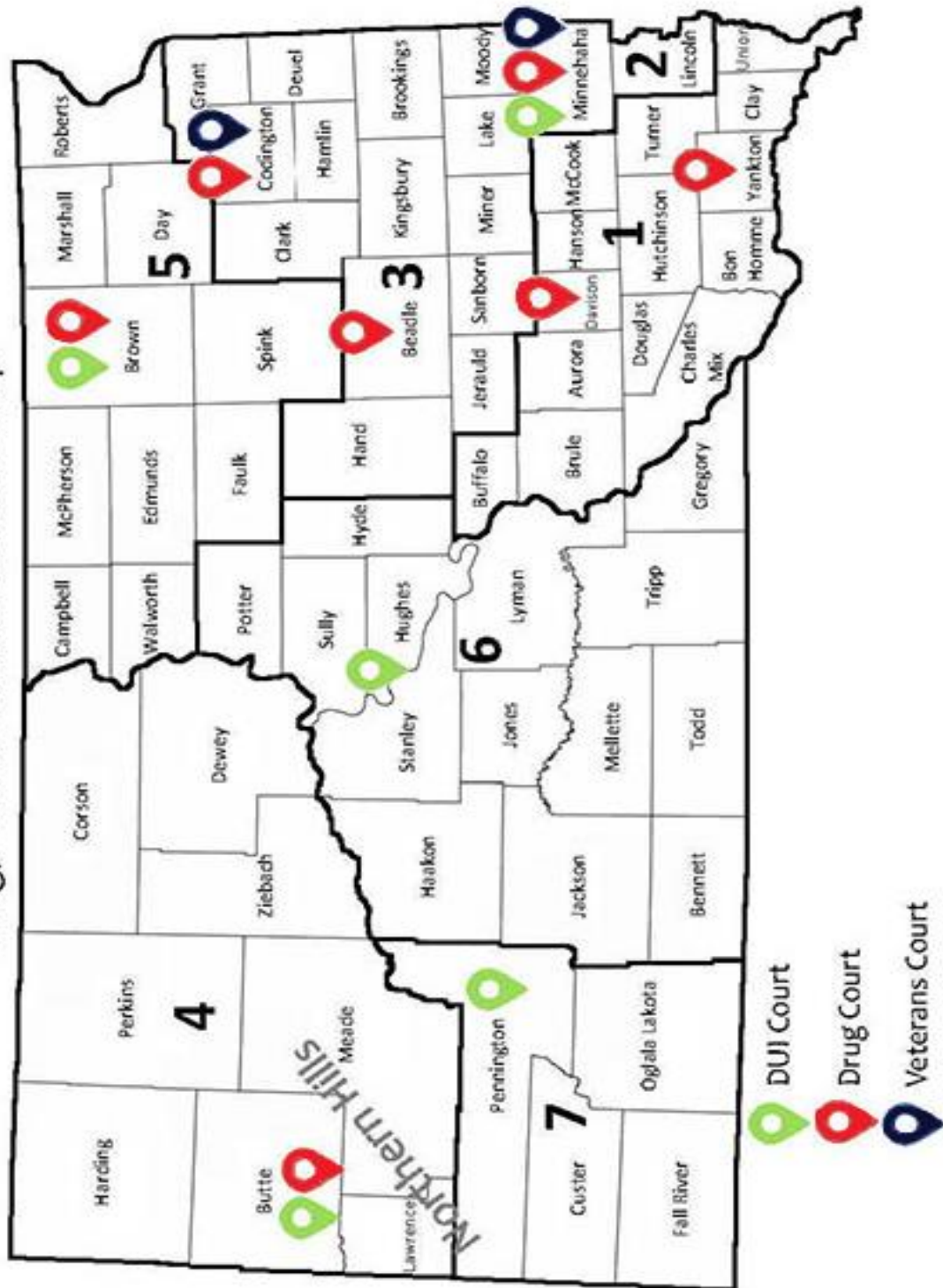
Guiding Principle #7: Develop Case Management Strategies.

Guiding Principle #8: Address Transportation Issues.

Guiding Principle #9: Evaluate the Program.

Guiding Principle #10: Ensure a Sustainable Program.

South Dakota Unified Judicial System Drug, DUI & Veterans Court Map



Eligibility Standards

Potential candidates meeting the following criteria will be considered for admission to a South Dakota DUI Court Program:

1. Provide services only for felony offenders over the age of eighteen;
2. Only accept candidates that are willing to participate in the DUI Court program on a voluntary basis;
3. Exclude any person seeking to enter DUI Court based on a present conviction for the distribution of a controlled substance or marijuana;
4. Exclude any person currently required to register as a sex offender;
5. Exclude any candidate that has a violent offense conviction as defined by SDCL § 22-1-2(9);
6. Target offenders that have fewer than seven lifetime convictions for driving under the influence unless otherwise determined appropriate by the local DUI Court team;
7. Target offenders for admission who have been assessed for eligibility using a validated risk-needs assessment tool and a validated clinical assessment tool, who are addicted to alcohol and are at substantial risk for reoffending or failing to complete a less intensive disposition, such as standard probation or pretrial supervision;
8. Require that offenders pass a legal screening for entry into the DUI Court program conducted by the prosecutor with jurisdiction over the offense;
9. Not exclude candidates from participation solely because of the existence of a co-occurring disorder or other medical condition;
10. Adopt residency restrictions that allow for intensive supervision in that locality.
11. The applicant reside no more than thirty (30) miles from the Lawrence County Court house.

South Dakota Codified Law 22-1-2 (9)

"Crime of violence," any of the following crimes or an attempt to commit, or a conspiracy to commit, or a solicitation to commit any of the following crimes: murder, manslaughter, rape, aggravated assault, riot, robbery, burglary in the first degree, arson, kidnapping, felony sexual contact as defined in § 22-22-7, felony child abuse as defined in § 26-10-1, or any other felony in the commission of which the perpetrator used force, or was armed with a dangerous weapon, or used any explosive or destructive device.

Chemical Dependency

Chemical dependence is a maladaptive pattern of substance use, leading to clinically significant impairment or distress, as manifested by three (or more) of the following, occurring at any time in the same 12-month period:

Tolerance, as defined by either of the following:

- a. A need for markedly increased amounts of the substance to achieve intoxication or the desired effect.
- b. Markedly diminished effects with continued use of the same amount of the substance.

Withdrawal, as manifested by either of the following:

- a. The characteristic withdrawal syndrome for the substance.
- b. The same (or a closely related) substance is taken to relieve or avoid withdrawal symptoms.

The substance is often taken in larger amounts or over a longer period than was intended. There is a persistent desire or unsuccessful efforts to cut down or control substance use. A great deal of time is spent in activities necessary to obtain the substance (e.g., visiting multiple doctors or driving long distances), use the substance (e.g., chain-smoking), or recover from its effects.

Important social, occupational, or recreational activities are given up or reduced because of substance use. The substance use is continued despite the knowledge of having a persistent or recurrent physical or psychological problem that is likely to have been caused or exacerbated by the substance (e.g., current cocaine use despite recognition of cocaine-induced depression, or continued drinking despite recognition that an ulcer was made worse by alcohol consumption).

Source: American Psychiatric Association. (2000). Diagnostic and Statistical Manual of Mental Disorders (4th ed., text rev.). Washington DC: American Psychiatric Press; at pp. 197–98.

Intake/Referral Process

The process of admission to the program is as follows:

1. The State's Attorney completes a legal screening to determine if an applicant meets the criteria of the program. The applicant will be notified if they are eligible to apply to the DUI Court via their defense attorney.
2. The applicant must submit an application to the DUI Team with the assistance of their attorney.
3. Upon receipt of an application, the Court Services Officer ("CSO") and the Support Staff Specialist will meet with the applicant. The CSO will conduct an LSI-R (risk and needs assessment). Applicants scoring a high overall risk score on the LSI-R will be particularly considered for the program.
4. Lastly, the applicant will meet with a certified and or licensed chemical dependency counselor who is part of the DUI Team. A DUI Court applicant will meet the criteria of the program if they have a chemical dependency diagnosis on the chemical dependency evaluation/SASSI screening.

If the applicant meets the criteria, submits an application, scores a qualifying score on the LSI-R, and receives the appropriate diagnosis from the chemical dependency evaluation; the application will then be considered by the entire DUI Court Team. The Team will base its decision on the information received by the Team and the capacity of the program. The applicant will be given written notice of the Team's decision. If the applicant is accepted into the program, an arraignment/sentencing hearing will be scheduled. If the applicant is not accepted, written notice will be provided to the applicant and the applicant will go back to the traditional court process.

*Every reasonable effort will be made by the DUI Court team to ensure that the time between arrest and entry into the DUI Court Program is less than 30 days.

DUI Court Proceedings

The DUI Court is a specialized court, operating on a weekly basis and dedicated to the assessment and supervision of participants. The DUI Court Team will meet prior to court at 10:00 am on Thursdays at the Lawrence County Courthouse unless previously re-scheduled. Participants shall personally appear at 11:45 a.m. on Thursdays and be prepared for Court at 12:00 p.m. All court proceedings will be recorded. DUI Court is open to family members or other members of a participant's support network. **No children may attend.** Individuals present in the courtroom, other than the participants, may observe but not participate in proceedings. Individuals wishing to provide input to the DUI Court Team are encouraged to do so in writing. Law enforcement or a DUI Court Team member will be available to take PBT's and other drug tests before DUI Court begins.

Meetings

At the morning staffing meeting, the DUI Court Team will discuss the successful progress or any violation of the participants. During the DUI Court hearing, the DUI Court Judge will discuss the case with the participants. Rewards and sanctions will be given as appropriate.

Confidentiality

DUI Court Team meetings are not open to the public. Special permission to attend Team meetings must have prior approval (See Appendix C-1 and C-2). It is important to protect the privacy interest of everyone involved in DUI Courts. Each participant is required to sign releases from the DUI Court Team and service providers for health, medical, mental health, criminal, employment and educational records. Since this is confidential information, it cannot and will not be shared with anyone outside of the DUI Court Team. There is one exception to this rule pertaining to SDCL 26-8A-3 and 4, which requires reporting of any prior or current child neglect/ abuse.

DUI Court Files

DUI Court files are separate and distinct from Circuit Court Files. All DUI Court files are **confidential** and not open to the public. All files shall be under the sole control of the DUI Court Judge and the DUI Court Team. Neither the Clerk of Court's Office nor prosecutor, not on the DUI Court Team, will have access to the DUI Court files.

Drug/Alcohol Testing

A critical component of successful DUI Court participation involves intensive supervision and random alcohol and drug testing to determine compliance with the rules of the DUI Court Program. The frequency of the tests will be determined by the phase each participant is in and is subject to change based on violations and the recommendation of the DUI Court Team. Testing is conducted at treatment sessions, in the community, at the participant residence and at DUI Court sessions by the Court Service Officer. All tests are observed, and any detectable level of alcohol or controlled substance will be considered as a positive test. Upon a positive test, a participant will ordinarily be taken into custody. This is done to protect public safety. On occasion, treatment providers may conduct tests for the purpose of therapeutic adjustments; results will be shared with the Team.

Alcohol monitoring through the 24/7 Program, SCRAM monitoring will be required as provided by statute. The Fourth Circuit DUI Court CSO will assist in enrolling the participant and monitor the program with the assistance of the Lawrence County Sheriff's Office's 24/7 Program and other sheriff's departments and law enforcement agencies in the 4th Circuit. The 24/7 Program rules may differ from your DUI Court rules and procedures. If there is a conflict between the 24/7 Program and the DUI Court rules, then you should ask your CSO for clarification. **You will also be required to maintain an alcohol and drug-free residence throughout all phases.**

You understand that you will be tested for the presence of alcohol and other drugs in their system both on a regular and on a random basis according to procedures established by the DUI Court Team and/or treatment and mental health providers. You understand that you will be given a time and location to report to for testing. It is the participant's responsibility to report to the assigned location at the time for the test. You understand that if you are late for a test or miss a test, that the test will be considered a positive test and that a sanction may be imposed. You understand that if a sample provided is not of a sufficient quantity, that it will be considered a positive test and that a sanction will be imposed. You understand that the ingestion of excessive amounts of fluid can result in a diluted sample and that the samples will be tested to ensure they are not diluted. You understand that if a sample is diluted or tampered with, that it will be considered a positive test and that a sanction may be imposed, up to and including termination.

All participants will have drug testing at least two times each week. You will participate in the 24/7 Program as directed by the DUI Court team and/or in compliance with South Dakota law. You may be required to participate in the 24/7 Program for the duration of your time in DUI Court and during any probationary period following graduation from DUI Court. You will pay for alcohol and drug testing including confirmation testing. On occasion, treatment providers may conduct tests for the purpose of therapeutic adjustments; results will be shared with the Team. Drug testing includes frequent contact with the South Dakota Prescription Drug Monitoring Program to ensure you are not abusing prescriptions not approved without the Team's knowledge.

Support Services

The DUI Court may refer participants to other support services and/or agencies. Recovery from addiction includes developing self-sufficiency and becoming a productive and responsible member of the community. Participants will be referred to numerous state and local agencies to receive assistance for food, clothing, housing, vocational training, employment assistance, budgeting, mental health counseling, or any other service deemed appropriate and/or necessary.

DUI Court Team Members

The DUI Court Team is an essential component of the DUI Court. Each member of the DUI Court Team is responsible to **attend and participate in weekly Court hearings and Team meetings while maintaining confidentiality**. The DUI Court Team members are encouraged to attend any and all DUI Court specific training as offered by the National Association of DUI Court Professionals, training coordinated through State of South Dakota DUI Court Liaison, and/or any training or webinar opportunities specific to Drug, DUI, or other specialty track courts.

At minimum, all members of the DUI Court Team will be required to complete a 10-hour training curriculum offered through the National DUI Court Institute. Please visit <http://www.ndci.org/training> to enroll in the online webinar. Completion of the course must be documented before new Team members are allowed to sit at the DUI Court table and participate in the Team process.

Team Members

The DUI Court Team shall consist of the following:

1. DUI Court Judge
2. DUI Court Coordinator
3. Prosecution (State's or District Attorney)
4. Public Defender/Defense Attorney
5. Addiction Treatment Representative
6. Mental Health Representative (if available)
7. Court Services Officer
8. Law Enforcement Representative
9. Evaluator

Roles and Responsibilities of DUI Court Team Members

DUI Court Judge

- Preside over courtroom proceedings
- Explain legal rights, options, and Program requirements and confirm them with each participant during the interview process

- Impose appropriate incentives and sanctions
- Work effectively with the DUI Court Team
- Review treatment progress and address it directly with the participant in Court, considering the recommendation of the DUI Court Team
- Supervise DUI Court administration
- Ensure participant compliance with DUI Court Program rules
- Acts as the ultimate arbiter of factual controversies

DUI Court Coordinator

- Oversee the activity of the Team
- Act as contact point for the DUI Court
- Actively work with clients
- Coordinate DUI Court schedules and Team meetings
- Work in conjunction with State Liaison to stay current on research
- Identify community partners, including employers and housing options
- Maintain and update program and participant manuals

Prosecution

- Actively participate in weekly staffing meetings
- Review potential participants for eligibility
- Make referrals to DUI Court
- Maintain a non-adversarial role during DUI Court proceedings
- Ensure compliance with state law
- Negotiate and complete plea agreements on behalf of the state
- Recommend appropriate sanctions and incentives
- Educate peer professionals on effectiveness of Program and changes in the state law that affect the Program
- Be a community advocate for effectiveness of Program

Public Defender/Defense Attorney

- Actively participate in weekly staffing meetings
- Recommend appropriate sanctions and incentives
- Meet with participants prior to sentencing to review legal waiver, explain waiver and rights, and obtain participant signature on waiver
- Educate peer professionals on effectiveness of Program and changes in the state law that affect the Program
- Be a community advocate for effectiveness of Program
- Advocate for a fair process
- Maintain a non-adversarial role during DUI Court proceedings

Treatment and Mental Health Representatives

- Actively participate in weekly staffing meetings
- Conduct assessment on new referrals
- Use evidence-based methodology
- Update DUI Court Team on progress of participants in a timely manner
- Establish rapport with participants

- Maintain confidentiality protection
- Ensure signing of all releases required for communication with DUI Court Team
- Provide group and individual sessions for participants
- Coordinate and advocate for pro-social activities

Court Services Officer

- Manage case and community supervision of each participant
- Act as referral to community resources
- Test participants for alcohol and drugs
- Make home/school/employment visits
- Monitor and encourage participant compliance with Program
- Provide ongoing support for participants
- Maintain ongoing communication and sharing of information with DUI Court Evaluator
- Gather data for Evaluator
- Identify potential participants for DUI Court
- Maintain a confidential DUI Court file for each participant
- Serve as liaison between Unified Judicial System and the DUI Court Team
- Coordinate with law enforcement
- Coordinate services from each discipline and the local community in a manner that is most therapeutic to the DUI Court participant

Law Enforcement Representative

- Actively participate in weekly staffing meetings
- Provide possible referrals for DUI Court
- Assist Court Services Officer in home visits and checks of participants
- Report any and all violations
- Ensure public safety
- Serve as liaison between law enforcement agencies and the DUI Court Team
- Obtain criminal history and law enforcement contacts of participants
- Conduct random drug and alcohol testing before DUI Court hearings
- Be a positive role model for participants and community

DUI Court Specialist

- Assist the Court Services Officer with case management
- Process billing and provide office administrative functions
- Compile data for evaluation project
- Maintain records
- Maintain log of incentives and sanctions
- Manage applications and distribute Team information

Evaluator

- Assist the DUI Court Team in developing, capturing, and communicating useful and useable information for key stakeholders and other audiences
- Make Program adjustments
- Evaluate effectiveness of DUI Court
- Collect data from Court Service Officer

Phases of DUI Court

This DUI Court program has four (4) phases, and each phase contains a number of requirements that the participant must follow. Phase requirements are listed below. Each participant is required to submit a written application for phase advancement and graduation. This application must be submitted prior to the Team Meeting. The total program length is at least sixteen (16) months. Each participant will be required to complete program assessments at intake, completion of Phase 2, and at the completion of program. Before graduating from the program, each participant must complete a Program Exit Survey.

Each participant will have an Individualized Treatment Plan and a Case Management Plan developed, in conjunction with the Probation Change plan. The plans will outline goals for each participant that must be achieved before advancing to the next phase. Upon completion of each phase, a written request must be submitted to the Team prior to the Team Meeting and the participant will be expected to present his/her request in Court to being considered for phase advancement.

Phase 1: (minimum of 120 days)

- No Driving is permitted while in Phase 1.*
- Attend Fourth Circuit DUI Court weekly
- Show Up, Try, and Be Honest
- Attend, participate, and comply with change/treatment plan
- Develop a Treatment Relapse Prevention Plan
- Comply with the directives of the Court and DUI Court Team
- Report to supervision meetings as instructed
- Abide by the curfew set by the DUI Court team (10pm-6am unless otherwise instructed)
- Seek and engage in full time employment, training or education (32 hours minimum)
- Have preapproved, appropriate housing and roommates
- Gather and organize financial paperwork (complete a plan to pay fees)
- Participate and follow the rules of the 24/7 Sobriety Program or SCRAM
- Attend a minimum of 3 support group meetings each week
- Obtain a support group sponsor of the same sex
- Undergo a minimum of 2 UA's each week and additional tests as directed
- Maintain the DUI Court Participant planner
- Have 90 continuous days of sobriety
- Make payments and keep receipts and note in participant planner (\$25.00 min. payments)
- Allowed to submit one (1) Special Request (subject to approval by DUI Team)

Phase 2: (minimum of 120 days)

- Attend Fourth Circuit DUI Court twice a month (Medium/Large Court days) or as directed
- Show Up, Try, and Be Honest
- Attend, participate, and comply with change/treatment plan
- Driving will be considered by the team after Participant submits a written request for permit
- Comply with the directives of the Court and DUI Team
- Report to supervision meetings as instructed
- Abide by the curfew set by the Fourth Circuit DUI Court Team (11pm-6am)
- Establish and maintain full time employment, training or education
- Maintain Fourth Circuit DUI Court Team approved housing and roommates

- Continue working on a financial responsibility plan
- Participate and follow the rules of the 24/7 Sobriety Program
- Attend a minimum of 3 support groups each week
- Undergo a minimum of 2 UA's each week and additional tests as directed
- Maintain the DUI Court Participant planner
- Have 90 continuous days of sobriety
- Make payments and keep receipts and note in participant planner (\$25.00 min. payments)
- Allowed to submit two (2) Special Requests (subject to approval by the DUI Team)

Phase 3: (minimum of 120 days)

- Attend Fourth Circuit DUI Court monthly or as directed
- Show Up, Try, and Be Honest
- Attend, participate, and comply with change/treatment plan
- Comply with directives of the Court and DUI Team
- Report to supervision meetings as instructed
- Abide by the curfew set by the Fourth Circuit DUI Court Team (12am-6am)
- Maintain full time employment, training or education
- Maintain Fourth Circuit DUI Court Team approved housing and roommates
- Follow the financial responsibility plan
- Participate and follow the rules of the 24/7 Sobriety Program as directed.
- Attend a minimum of 3 support groups each week
- Undergo a minimum of 2 UA's each week and additional tests as directed
- Maintain the DUI Court Participant planner
- Have 120 continuous days of sobriety
- Make payments and keep receipts and note in participant planner (\$25.00 min. payments)
- Allowed to submit two (2) Special Requests (subject to approval by the DUI Team)

Phase 4: Maintenance (minimum of 120 days)

- Attend Fourth Circuit DUI Court monthly or as directed
- Show Up, Try, and Be Honest
- Attend, participate and comply with change/aftercare treatment plan
- Report to supervision meetings as instructed
- Maintain full time employment, training or education
- Maintain Fourth Circuit DUI Court Team approved housing
- Participate in the 24/7 Sobriety Program as directed.
- Attend a minimum of 3 support groups each week
- Participate in a Community Service Learning Project and or Community Service hours
- Undergo a minimum of 2 UA's each week or as directed by the DUI Court Team
- Maintain the DUI Court Participant planner
- Continuous sobriety (minimum of 120 days)
- Participants will remain in Phase 4 until a graduation ceremony is held.
- Make payments and keep receipts and note in participant planner (\$25.00 min. payments)
- Special Requests are subject to approval by the DUI Team

**Participants are not allowed to drive during Phase 1 and are only allowed to obtain a work permit to drive with the team's permission in any other phase. Participants are also required to participate in the 24/7 Program as required by law.*

*In Appendix E-1 through E-4, there are checklists for each phase. All items on the list must be checked off for advancement to the next phase.

Graduation

Graduation Requirements

- Complete Phase 4 - meeting all sobriety requirements
- Must fill out a Pre-Graduation Life Plan detailing the progress of his/her participation in the DUI Court
- Meeting continuum of care requirements
- Employed
- Acceptable housing
- In Program for at least sixteen (16) months

Upon successfully completion of all four (4) phases, meeting graduation requirements, and upon recommendation of the DUI Court Team, the participant will graduate from DUI Court.

Graduations will occur three times each year. The timing will depend upon scheduling, but graduation will generally occur in winter, spring and fall. Graduation for the DUI Court is recognized as a very important event. The participant's loved ones and friends will be invited to join the participant at a special ceremony as the DUI Court Team congratulates him/her for successfully completing all phases of the DUI Court Program and for achieving his/her goal to establish a chemical-free life.

Evaluation

The DUI Court Evaluator will evaluate the process and outcomes of the Program. The Evaluator will then provide information to improve the DUI Court and, in turn, hopefully make it more successful. The Evaluator will also help the Team with areas needing improvement. It will be responsibility of the DUI Court Team to collect and provide required data to the Evaluator.

Incentives

While participating in the DUI Court Program, the participant may be given incentives to reinforce positive behaviors. An incentive, or reward, is an acknowledgement by the DUI Court Team that the participant has reached a milestone, accomplished a specific goal, or otherwise exhibited positive behavior or change. It is important to acknowledge achievements and progress in some tangible way. When participants consistently and positively participate in the DUI Court Program, they may receive incentives for maintaining sobriety and abiding by the conditions of the DUI Court Program.

Types of Incentives

Incentives can include but are not limited to the following.

- Progression in the Program
- Decrease in fines
- Applause
- Acknowledgement from the bench
- Group incentives
- Paid minutes for cell phone
- Payment for GED testing
- School supplies
- Transit tickets
- Dental care
- Decreased supervision
- Decreased court attendance
- 24/7 bucks
- Ticket to theatrical productions
- Reduced drug testing
- Coin to mark milestones
- Opportunity to tell story to the court
- Commencement

Violations and Sanctions

While participating in the DUI Court Program, the participant will be given sanctions for any violations. It is critical that the DUI Court Team responds quickly and with certainty to all behaviors. A violation is a behavior or action that conflicts with the Program rules, policies or recommendations. This could be missing a meeting or appointment, failure to call in, dishonesty, or any other behavior deemed detrimental to the participants or the DUI Court. A sanction is a response to a violation. The seriousness of the violation determines the severity of the sanction imposed. Not only are more severe sanctions imposed for more serious violations, but also as violations accumulate, the sanctions become more severe. By enforcing sanctions, participants will be learning that there are swift consequences for noncompliance. The objective of sanctions is to encourage the participant to continue to work towards recovery and treatment goals.

Any violations of the DUI Court Program rules, policies, or recommendations will result in the immediate imposition of sanctions, as determined by the DUI Court Judge or DUI Court Team. The DUI Court Team will individualize sanctions as deemed appropriate.

Types of Sanctions

Sanctions can include but are not limited to the following:

- Increased court appearances
- Additional drug testing
- Temporary incarceration
- Phase demotion or delay in phase promotion
- Written assignments for court
- Verbal reprimand from the bench
- Community service
- House arrest
- Imposition of electronic monitoring
- Residential placement
- Daily written schedule
- Stricter curfew
- In-court apology
- Honesty journal
- Termination

Termination

Termination is evaluated on an individual basis. Any termination proceeding should be conducted in regularly scheduled Court sessions. A decision to terminate participation will be made by the DUI Court Team. The decision to terminate may be made for any of the following reasons:

- Concern for public safety
- Threat to the integrity of the program
- Available treatment options have been exhausted, and the participant is no longer working towards recovery
- Violating rules of the DUI Court
- Commission of a crime
- Failure to attend DUI Court hearings
- Abandonment of treatment program
- Evidence that participant is involved with drug dealing or driving while under the influence
- Evidence that participant is involved in any threatening, abusive, or violent verbal or physical behavior towards anyone
- Tampering with drug/alcohol screening tests
- Inability to pass required drug/alcohol screening tests for any reason
- Failure to make satisfactory progress
- Any other grounds that the DUI Court Team finds sufficient for termination

Process for Termination

Any member of the DUI Court Team can make a motion for termination of a participant from the Program. When a motion for termination is made, the Court Services Officer will provide written notification of the motion to the participant. Following such notification, the participant will address the DUI Court Team concerning the possibility of termination at the next regularly scheduled Court session. The participant will be given the opportunity to choose whether or not he/she would like to have a lawyer represent him/her at the DUI Court termination hearing. After the Court session, the DUI Court Team will vote on termination. If there is a majority vote for termination by the DUI Court team, then the participant will be terminated from the Program. In the event of termination, the Court shall advise the participant of their rights concerning potential probation revocation and appoint the participant an attorney. Upon termination, the participant is required to participate in a termination interview and may be subject to a probation revocation proceeding.

Voluntary Removal

A participant may request removal from the DUI Court Program; however, the participant is advised to meet with his/her defense attorney before making this request. Any person who has been deemed an absconder from court services supervision while in the DUI Court Program will be considered to have voluntarily removed themselves.

Fees

Court Related Fees

Participants are required to keep up with their payments for court related fees. Court related fees can include but are not limited to the following:

- Child support
- Restitution
- Crime Victim Fund
- Public Defender fees

The participant will be responsible to set up a payment plan with the Court Service Officer to present to the Team for approval.

Program Related Fees

Participants may be required to pay for testing, monitoring, and treatment while in the Program. Failure to make timely payments could result in delayed completion of the Program. The fees can include but are not limited to the following:

- UA's
- 24/7 Program
- SCRAM
- Treatment
- Court fines
- Confirmation testing costs

Stakeholder Committee

DUI Courts require community support in order to be successful. The DUI Court Program shall have a group of executive level personnel from each agency involved or impacted by the proposed DUI Court Program known as a Stakeholder Committee. The members are stakeholders within the community that have a vested interest in the DUI Court Program, the population served, and the agencies impacted by the implementation of this model. The members should reflect a representative cross-section of the community. The Stakeholder Committee will hold regular meetings to review DUI Court procedures, operations, and partnerships. They shall also serve to evaluate effectiveness and propose solutions to service gaps and any political or physical barriers.



Unified Judicial System

Application to Fourth Circuit DUI Court Program

Fourth Judicial Circuit

Date of Application	Do you need disability accommodations? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please state request:		Will an interpreter be needed? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, state language:	
Name		Alias		
Race	Sex		Date of Birth	
Current Address (Street)		Telephone Number	Cell Phone Number	
City	State	Zip	Other States Lived in:	
How Long at this Address?	Armed Forces Veteran? <input type="checkbox"/> Yes <input type="checkbox"/> No		Valid Driver's License? <input type="checkbox"/> Yes <input type="checkbox"/> No Driver's License Number	
Reliable Transportation? <input type="checkbox"/> Yes <input type="checkbox"/> No		State ID Number		
Do You Have Children? <input type="checkbox"/> Yes <input type="checkbox"/> No Do You Pay Child Support? <input type="checkbox"/> Yes <input type="checkbox"/> No		Number of Dependents		
Significant Other				
NAME- Last, First, Middle (include Aliases)		DOB	Criminal Court Involvement-If so what?	
Other Members of Household				
NAME- Last, First, Middle (include Aliases)		DOB	Criminal Court Involvement-If so what?	
Next of Kin		Relationship	Telephone Number	
Current Employer		Monthly Income	Receive Disability? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Are You an Addict? <input type="checkbox"/> Yes <input type="checkbox"/> No		Primary Drug of Choice		
Primary Care Provider/Physician				
Mental Health Diagnosis? <input type="checkbox"/> Yes <input type="checkbox"/> No		Take Psychotropic Medications? <input type="checkbox"/> Yes <input type="checkbox"/> No		

List all Mental Health Diagnoses		List Medications	
Drug & Alcohol Evaluation Completed? <input type="checkbox"/> Yes <input type="checkbox"/> No		LSI-R Completed? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Agency Completing	Date	Score	Date
Highest Grade Completed		GED <input type="checkbox"/>	Graduation <input type="checkbox"/>
Skill or Trade		Certification or Degree? <input type="checkbox"/> Yes <input type="checkbox"/> No	
On Probation Currently? <input type="checkbox"/> Yes <input type="checkbox"/> No		Probation Officer	
Current Charges			Offense Date:
Do you have any matters pending in any other court? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, name of court		Charges	
Have you ever been sentenced to DUI Court before? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, name of court		Date:	
Have you ever been sentenced to the Penitentiary? <input type="checkbox"/> Yes <input type="checkbox"/> No		Date:	
Defense Attorney Name		Telephone Number	
"The defendant consents to the disclosure of Drug/DUI Court application information, including a Risk/Needs Assessment and a Treatment Needs Assessment, prior to entry of a plea, for purposes of obtaining information useful for acceptance into the Drug/DUI Court Program."			
_____ Defense Attorney Signature Date		_____ Applicant Signature Date	

CONSENT FOR DISCLOSURE OF CONFIDENTIAL SUBSTANCE ABUSE TREATMENT INFORMATION

I, _____, having agreed to enroll and participate in the Adult DUI Court Program, hereby acknowledge that treatment information normally is confidential under federal law. I understand that any disclosure made is bound by Part 2 of Title 42 of the Code of Federal Regulations, which governs the confidentiality of substance abuse patient (or client) records and that it is unlawful to violate this confidentiality requirement unless I voluntarily consent to permit its disclosure.

Therefore, I, _____, consent to allow the release of employment, medical, psychiatric, treatment, educational, mental health, or other documents and records which are deemed necessary for DUI Court purposes. I also consent to the disclosure of on-going communications about my diagnosis, prognosis and compliance status, which includes, but is not limited to, the following:

- Assessment results pertaining to a Participant's eligibility for DUI Court and treatment and supervision needs;
- Attendance at scheduled appointments;
- Drug and alcohol test results, including efforts to defraud or invalidate drug or alcohol tests;
- Attainment of treatment plan goals, such as completion of a required counseling regimen;
- Evidence of symptom resolution, such as reductions in drug cravings or withdrawal symptoms;
- Evidence of treatment-related attitudinal improvements, such as increased insight or motivation for change;
- Attainment of DUI Court phase requirements, such as obtaining and maintaining employment or enrolling in an educational program;
- Compliance with electronic monitoring, home curfews, travel limitations, and geographic or association restrictions;
- Adherence to legally prescribed and authorized medically assisted treatments;
- Procurement of unauthorized prescriptions for addictive or intoxicating medications;
- Commission of or arrests for new offenses; and
- Menacing, threatening, or disruptive behavior with staff members, fellow Participants or other persons.

These communications may be disclosed among the following parties or agencies involved in the DUI Court Program: the DUI Court judge, the DUI Court team members, the employees engaged in the DUI Court operations and administration, court services officers in the DUI Court Program, treatment providers utilized by me during the DUI Court Program, the DUI Court defense attorney, and/or other referring or treating agencies involved in the direct delivery of services through the Adult DUI Court Program.

I understand that the purpose of and the need for this disclosure is to: inform the court and the other above-specified agencies of my eligibility and/or acceptability for substance abuse treatment services; to report on and adequately monitor my treatment, attendance, prognosis, and compliance with the terms and conditions of the program; to discuss and assess my status as a Participant in the DUI Court Program; and, to assess and comment on my progress in accordance with the DUI Court's reporting and monitoring criteria.

I agree to permit the disclosure of this confidential information only as necessary for, and pertinent to, hearings, and/or reports concerning the status of my participation and compliance with the conditions of my probation as defined by the DUI Court. I understand that information about my medical status, mental health and/or drug treatment status, my arrest history, my levels of compliance or non-compliance with the conditions of my DUI Court participation (including the results of urinalysis or other drug screening tools,) and other material information will be discussed and shared among members of the DUI Court team.

I further understand that as an essential component of the DUI Court Program summary information about my compliance or non-compliance will be discussed in an **open and public courtroom**, including but not limited to, whether I have attended all meetings, treatment sessions, the results of urinalysis or other drug testing as required, and the disclosure of my compliance or noncompliance with the terms and conditions of the Program as defined by the Court. It is entirely possible that third parties will attend these court sessions and will hear these discussions. This process will require the redisclosure of confidential treatment information to individuals who have not been individually and specifically authorized to receive such information. Therefore, **I hereby specifically consent to any potential redisclosure to third persons who may be in attendance at any of my DUI Court sessions.**

I further understand that if I re-disclose confidential information of any other Participant to another party, I expose myself to legal liability for unauthorized disclosure of confidential information.

Recipients of this confidential information may re-disclose it only in connection with their official duties. I understand that this consent will remain in effect and cannot be revoked by me until there has been a formal and effective termination of my involvement with the DUI Court for the case named above such as the discontinuation of all court-ordered supervision or probation upon my successful completion of the DUI Court requirements, or upon sentencing for violating the terms of my DUI Court involvement.

_____ Date _____
DUI Court Participant

_____ Date _____
Witness



Confidentiality Agreement for Visitors

This Agreement is made by and between _____ (DUI Court) and _____, an observer of the _____ Adult DUI Court

Team Meeting on _____ (date).

I understand that while I observe the Adult DUI Court Team Meeting and DUI Court on the date listed above, I may have access to private and confidential data of the participants of the DUI Court Program who have agreed to allow me to observe their cases being discussed; and I understand that the private and confidential data of the adult participants may only be used and disclosed as authorized by law; and I understand that I must comply with federal and state privacy laws which restrict access to private and confidential information collected, created, received, maintained or disseminated by the DUI Court Program.

NOW THEREFORE, I hereby acknowledge and agree that I will comply with the DUI Court policy, including the attached Guidelines, and relevant federal and state privacy laws, rules and regulations in my treatment of the private and confidential data of the adult Participants and any other private and confidential data I may learn while I am observing the _____ Adult DUI Court Team meeting on the date listed above.

I further acknowledge and agree that a willful violation of or a failure to comply with relevant federal and state privacy laws, rules and regulations regarding the use and disclosure of the private and confidential information I learn while observing the _____ Adult DUI Court Team Meetings could result in civil liability and suspension or termination from observing the Adult DUI Court Team Meetings.

I have read and understand this Confidentiality Agreement and agree to comply with all of its terms.

Dated this _____ day of _____, 20_____.

Signature of Visitor

Print Name of Visitor



Guidelines for Visitors

of the _____ Adult DUI Court Team Meetings

1. Visitors shall only discuss details about a client's case in _____ Adult DUI Court Team meetings. Visitors should not discuss or disclose to others, including friends or family, any information that is learned during any of their observations of the _____ Adult DUI Court Team.
2. Visitors shall not discuss private and confidential data about offenders where others can overhear the conversation, such as in hallways, on elevators, in restaurants, at social events, etc.
3. Visitors shall not reveal or identify information about the Participants, including their names, addresses, and social security numbers. Photographs are not allowed unless pre-approved.
4. Visitors shall not discuss the details of a case outside the team meeting or the courtroom or in public areas, even if the offender's name is not used. For example, it is possible that by describing a detail or a fact, the listener may be able to identify the individual being discussed.
5. Visitors shall not provide or disclose data learned from Participant's records to other agencies, or individuals, without the permission of the DUI Court Coordinator and the Participant. Visitors should be aware that federal and state law requires a release of information to be signed by the subject of the data before private and confidential data may be disclosed to others or as specifically authorized by law.
6. Visitors shall continue to maintain the privacy and confidentiality of a Participant's data even in the event that a case has been made public through the media.



DUI Court Publicity Consent Form

I hereby consent to and authorize the use, publication and reproduction of all media by the DUI Court or anyone it authorizes, for all photographs/video taken of me, with or without names as the case may be, for any editorial, promotional, advertising, educational or other purpose.

I understand that any photographs or videos may be used in any publication for promotion of DUI Courts. I realize that this coverage may place my picture, with or without further explanation, alone or accompanied by other pictures, in a story, on a website, or on a cover of any or all publicity materials for DUI Courts. I hereby release the DUI Court, its staff, and employees, or anyone it authorizes, from all claims relating to or arising from the uses consented above.

I am over eighteen years of age, have read this consent and release, or have had it read and explained to me, fully understand its contents, and enter into it voluntarily and without coercion.

Print Name _____

Event: _____

Address _____

City, State, Zip _____

Phone _____

Date _____

Signature _____

Phase One Checklist

- ☐ Minimum of 120 days
- ☐ Attend Fourth Circuit DUI Court weekly
- ☐ Show Up, Try, and Be Honest
- ☐ Attend, participate, and comply with change/treatment plan
- ☐ Develop a Treatment Relapse Prevention Plan
- ☐ Comply with the directives of the Court and DUI Court Team
- ☐ Report to supervision meetings as instructed
- ☐ Abide by the curfew set by the DUI Court team (10pm-6am unless otherwise instructed)
- ☐ Seek and engage in full time employment, training or education (32 hours minimum)
- ☐ Have preapproved, appropriate housing and roommates
- ☐ Gather and organize financial paperwork (complete a plan to pay fees)
- ☐ Participate and follow the rules of the 24/7 Sobriety Program or SCRAM
- ☐ Attend a minimum of 3 support group meetings each week
- ☐ Obtain a support group sponsor of the same sex
- ☐ Undergo a minimum of 2 UA's each week and additional tests as directed.
- ☐ Maintain the DUI Court Participant planner
- ☐ Have 90 continuous days of sobriety
- ☐ Make payments and keep receipts and note in participant planner (\$25.00 min. payments)

Phase Two Checklist

- ☐ Minimum of 120 days
- ☐ Attend Fourth Circuit DUI Court twice a month (Medium/Large Court days) or as directed
- ☐ Show Up, Try, and Be Honest
- ☐ Attend, participate, and comply with change/treatment plan
- ☐ Comply with the directives of the Court and DUI Team
- ☐ Report to supervision meetings as instructed
- ☐ Abide by the curfew set by the Fourth Circuit DUI Court Team (11pm-6am)
- ☐ Establish and maintain full time employment, training or education
- ☐ Maintain Fourth Circuit DUI Court Team approved housing and roommates
- ☐ Continue working on a financial responsibility plan
- ☐ Participate and follow the rules of the 24/7 Sobriety Program
- ☐ Attend a minimum of 3 support groups each week
- ☐ Undergo a minimum of 2 UA's each week and additional tests as directed
- ☐ Maintain the DUI Court Participant planner
- ☐ Have 90 continuous days of sobriety
- ☐ Make payments and keep receipts and note in participant planner (\$25.00 min. payments)

Phase Three Checklist

- ☐ Minimum of 120 days
- ☐ Attend Fourth Circuit DUI Court monthly or as directed
- ☐ Show Up, Try, and Be Honest
- ☐ Attend Fourth Circuit DUI Court monthly or as directed
- ☐ Show Up, Try, and Be Honest
- ☐ Attend, participate, and comply with change/treatment plan
- ☐ Comply with directives of the Court and DUI Team
- ☐ Report to supervision meetings as instructed
- ☐ Abide by the curfew set by the Fourth Circuit DUI Court Team (12am-6am)
- ☐ Maintain full time employment, training or education
- ☐ Maintain Fourth Circuit DUI Court Team approved housing and roommates
- ☐ Follow the financial responsibility plan
- ☐ Participate and follow the rules of the 24/7 Sobriety Program as directed.
- ☐ Attend a minimum of 3 support groups each week
- ☐ Undergo a minimum of 2 UA's each week and additional tests as directed
- ☐ Maintain the DUI Court Participant planner
- ☐ Have 120 continuous days of sobriety
- ☐ Make payments and keep receipts and note in participant planner (\$25.00 min. payments)

Phase Four Checklist

- ☐ Minimum of 120 days
- ☐ Attend Fourth Circuit DUI Court monthly or as directed
- ☐ Show Up, Try, and Be Honest
- ☐ Attend, participate and comply with change/aftercare treatment plan
- ☐ Report to supervision meetings as instructed
- ☐ Maintain full time employment, training or education
- ☐ Maintain Fourth Circuit DUI Court Team approved housing
- ☐ Participate in the 24/7 Sobriety Program as directed
- ☐ Attend a minimum of 3 support groups each week
- ☐ Undergo a minimum of 2 UA's each week or as directed by the DUI Court Team
- ☐ Maintain the DUI Court Participant planner
- ☐ Continuous sobriety (minimum of 120 days)
- ☐ Participates will remain in Phase 4 until a graduation ceremony is held
- ☐ Make payments and keep receipts and note in participant planner (\$25.00 min. payments)

**FOURTH CIRCUIT DUI COURT
TREATMENT PROGRAM BASIC UNDERSTANDING,
WAIVERS AND AGREEMENTS**

Defendant's Name: _____

Address: _____

Date of Birth: ____/____/____ Phone Number(s): _____

I UNDERSTAND THAT:

Before I can be accepted into the DUI Court Treatment Program, I must give up certain statutory and/or constitutional rights. I hereby voluntarily agree and consent to give up the following statutory and/or constitutional rights upon my acceptance into the DUI Court Treatment Program enumerated below:

1. **LEGAL WAIVER:** I do hereby release and forever discharge the complaining witnesses, victim(s), the DUI Court Judge, the State's Attorney's Office, the Defense Attorney on the DUI Court Team, the Court Service Officer(s), the DUI Court Staff, and their respective heirs, successors, executors, administrators, and assigns from any and all claims of any kind or nature whatsoever, either in law or in equity, arising out of my arrest, participation in, or termination from, the DUI Court Program, and do expressly release and forever hold them harmless from any criminal or civil action which I may have a right to bring as a result of my arrest or participation in the DUI Court Program. (____)
2. **RELEASE OF INFORMATION:** I agree to complete a diagnostic evaluation for the development of my Drug Treatment Program as ordered by the Court. I hereby authorize release of all treatment information by the provider to the Court, Court Services, and the DUI Court Team. The Team and Court may consider any such information in deciding whether I remain in the DUI Court Treatment Program. (____)
3. **STATUS OF PROGRAM:** I have no legal right to participate in the DUI Court Treatment Program, and my acceptance and participation is a privilege. I may be excluded or terminated from the Program at any time. (____)
4. **PROGRAM LENGTH:** The length of the Program varies, with the minimum time to complete all levels of programming being sixteen (16) months. It may take up to three (3) years, depending on my needs, abilities, and motivation to achieve nine (9) months of sobriety and meet Program objectives. Upon successful completion of DUI Court, I may be ordered to complete the remainder of their probation period on standard probation. (____)
5. **GENERAL REQUIREMENTS:** I must attend all DUI Court sessions well-groomed and professionally dressed. I must also attend treatment sessions, pass repeated drug screens, and address problems such as corrective thinking that contribute to my addiction. I must reduce risk factors, which may include improving my family situation, bettering my employment status, increasing my educational level, moving from known drug distribution areas, etc. I may be

- required to pay restitution, fees for participation in the Program, fines, my Court Appointed Attorneys Fees, and any other related costs. I must make suitable progress towards controlling my addiction, and the Program will set individual requirements that I must meet. (____)
6. **INDIVIDUALIZED TREATMENT PLANS:** The Clinician I am assigned to will set my individual treatment plan requirements, which will then be reviewed by the DUI Court Team. The final decisions regarding my progress, compliance with Program requirements, and continued participation are in the Judge's sole discretion. I have no right to appeal the Court's decisions. (____)
7. **TERMINATION:** I can quit the Program at any time but I must meet with the Judge and discuss my reasons for this decision and he/she may delay my withdrawal from the Program for up to one (1) week to make sure my decision is firm. If I quit the Program or am involuntarily terminated, I understand that I will be subject to sanctions by my sentencing judge. (____)
8. **FEES:** I will have to pay for some components of the Program, such as:
- A. Drug Testing;
 - B. Ankle Bracelet Monitoring System;
 - C. Treatment/Counseling;
 - D. 24/7 Sobriety Program.

Money I pay into the Program is non-refundable. If I quit, am terminated from the Program, or if the Program ends for any reason, I will not get my money back. (____)

9. **SANCTIONS:** If I do not fully comply with the Program, the Judge may impose sanctions at his/her sole discretion. Additionally, my Court Service Officer(s) (CSO) may impose administrative sanctions if I violate my curfew, have unauthorized visitors, or violate my weekly schedule. I will have to complete the sanctions to continue in the Program. The sanctions could include community service, a return to jail, or anything deemed appropriate by the Judge. Additionally, as a condition of my participation in the DUI Court Program, I do not have a right to an Evidentiary Hearing to contest the imposition of sanctions nor do I have the right to appeal the decision of the DUI Court Judge. The Judge may also terminate me from the Program. (____)
10. **COMMISSION OF A CRIMINAL OFFENSE:** If I commit an additional criminal offense, excluding minor traffic offenses, I may be expelled from the Program. (____)
11. **NO CREDIT FOR JAIL SANCTION:** If I do not complete the Program, I may not get credit for any time that I served for DUI Court jail sanctions. (____)
12. **COURT PROCEEDINGS:** The DUI Court proceedings will be informal and performed in open Court. However, I am required to be well groomed and dressed in professional attire for all Court appearances. Clothing bearing drug or alcohol related themes, or promoting alcohol or drug use is not allowed. Violent or belligerent behavior will not be tolerated. (____)
13. **SEARCHES:**
- A. I will submit to random searches of my blood, breath or urine, person, possessions, vehicle or residence for controlled substances, alcohol, or any paraphernalia at the request of the Court Service Officer(s) (CSO). I will comply with all other rules of the Intensive Supervision Program. I am aware that my Court Service Officer(s) (CSO) and/or law enforcement will be conducting random home visits as a part of my participation in the Program. (____)

- B. I will submit to searches of my blood, breath or urine, person, possessions, vehicle or residence for controlled substances, alcohol, or any paraphernalia at the request of law enforcement with reasonable suspicion. (____)
- C. I will be subject to random searches of my blood, breath or urine, person, possessions, vehicle or residence for controlled substances, alcohol or any paraphernalia by treatment provider staff or their designee while participating in the treatment program or while on treatment provider property. Failure to comply with these requirements may result in sanctions. (____)
14. DRUG TESTING: I will not use or possess any urine adulterant products. Possession or use of any such products will be deemed a violation of this agreement. I understand that results of my tests shall be admissible as evidence in the DUI Court. (____)
15. ATTORNEY: I understand that I will not have an attorney to represent me while in the DUI Court Program. I also understand that DUI Court is a non-adversarial forum and, therefore, treatment and accountability is the primary concern. I also understand that the attorney who represented me in the criminal case does not represent me in DUI Court, and the defense attorney who participates in the DUI Court is not acting as my attorney (even if the same attorney who represented me is also the defense attorney who participates in DUI Court). If the attorney who represents me in the criminal case is the same attorney who participates in the DUI Court, I waive any claim of conflict that might otherwise arise if that attorney is required to later represent me in court proceedings (for example, if I am terminated from the DUI Court Program). (____)
16. DISCUSSIONS IN MY ABSENCE. I understand and acknowledge that the members of the DUI Court Team, including the Defense Attorney and the Prosecuting Attorney, will be talking to the DUI Court Judge about me, my progress in the Program, and any problems that I might be having. The Team may also discuss with the Judge, at various times, sanctions or rewards, which I may receive because of my participation in the Program. I also understand and acknowledge that I will not be present for these discussions with the Judge. It has been explained to me these discussions with the Judge without me being present are necessary in order for me to receive the maximum benefit from the Program. I understand this and waive my presence at these meetings and discussions with the DUI Court Judge. (____)
17. WAIVER OF PRIVACY: Program officials may require me to provide very personal information. This may include, but will not be limited to: my criminal record, financial and tax information, child support records, education and work history, family history, and medical and psychiatric information. While Program officials will try to avoid unnecessary embarrassment to me, I understand and agree that these things may be discussed in open DUI Court session, in treatment sessions, or in other settings related to participation in the Program. I agree to sign specific releases promptly to allow the gathering of this information. (____)
18. DUTY TO NOTIFY: I must obtain permission from my Court Service Officer(s) (CSO) prior to making any change in my residence or mailing address, any change, or disconnection of my phone number, or any change in my employment. I must also notify my Court Service Officer(s) (CSO) immediately after any law enforcement contact. (____)

19. REARRESTS: I must obey all laws, and notify my Court Service Officer(s) (CSO) of any criminal charges that are made against me, including any driving violations or minor offenses. My arrest or conviction on other charges, or my failure to report other charges, may result in termination from the Program. (____)
20. TRUTHFUL DISCLOSURE: Acceptance in the Program is based partly on my criminal history. I have truthfully, disclosed any previous arrests and convictions. (____)
21. NO ALCOHOL OR CONTROLLED SUBSTANCES: I understand that I cannot drink, possess, or otherwise ingest alcohol, nor may I associate with those who do, while I am a participant in the DUI Court Program. I also understand that I cannot use or possess marijuana, K2 or like substances, synthetic marijuana, scheduled controlled substances, over-the-counter drugs except as authorized herein, or any mind-altering substances, nor associate with those who do, while I am a participant in the DUI Court Program. (____)
22. MEDICATIONS: I understand that I will be required to provide frequent and random searches of my blood, breath or urine, person, possessions, vehicle or residence for controlled substances, alcohol, or any paraphernalia as a condition of my participation in the DUI Court Program. I agree that I will not take any medications, including cough, cold, and any other over-the-counter medications without prior approval from my treatment provider and my Court Service Officer(s) (CSO). I also agree to provide a complete list of my medications to my treatment provider and my Court Service Officer(s) (CSO). I also will not use or consume any food or beverage that contains poppy seeds while I am in the DUI Court Program. (____)
23. MEDICAL NEEDS: I, unless authorized by the DUI Court Team, will have only one doctor meeting my primary health needs. All appointments must be scheduled with that doctor or medical professional with the knowledge and permission of the DUI Court Team or my CSO, including emergent needs. (____)
24. ALCOHOL/DRUG TREATMENT AND COUNSELING: I will attend alcohol/drug treatment and participate in group, family, and/or individual counseling. (____)
25. HOUSING: I understand that stable housing is necessary for my recovery and must be approved by the DUI Court Team. I agree to comply with their recommendations and restrictions. (____)
26. EMPLOYMENT/EDUCATION/JOB TRAINING: I agree to maintain approved employment and/or attend any education or job training programs to which I am referred. I will maintain at least a 30-hour work-week. The 30-hour work-week does not include treatment unless it is day treatment. The 30-hour week only includes work, school, or community service hours unless it is otherwise approved by the DUI Court. (____)
27. GAMBLING: I will not gamble nor enter any gambling establishments where the primary source of revenue is gaming funds without the written permission of my supervising officer. (____)
28. INCARCERATION: I understand that I may be incarcerated as a sanction for violations of the participant agreement and I agree to comply with the incarceration. (____)

29. CURFEW: I agree to abide by a curfew as determined by the DUI Court Team. The curfew will have a beginning time when I am to be home and an ending time when I may leave. During my curfew, I may be on my property, as long as I am able to hear and get to the telephone. (____)
30. SEXUAL HARASSMENT POLICY: All participants are entitled to an atmosphere that is free from any sexual harassment. Sexual harassment is any unwanted comments, gestures, writings, physical contact, and innuendo that are sexual in nature. If I sexually harass another participant or service provider, I will be subject to a disciplinary review and could face severe consequences, including termination from the Program. (____)
31. FRATERNIZATION: I acknowledge and understand that engaging in any sexual relationships with other Program participants is not conducive to a healthy treatment environment, and will likely impede my progress and may result in delaying my completion of the DUI Court Program. (____)
32. NO FINANCIAL DEALING: I am prohibited from having any financial dealings with other DUI Court participants while in the Program, except with the permission of the DUI Court Judge. The term "financial dealings" shall include, but not be limited to, lending or borrowing money or property, purchasing or selling real or personal property, or working for each other, or exchange of gifts. A violation will result in sanctions for all involved participants. (____)
33. WAIVER OF RIGHT TO REMAIN SILENT: I give up my right to remain silent. I agree to fully and *HONESTLY* participate in all DUI Court meetings. (____)
34. PHOTOGRAPH: I agree to have my photograph taken for DUI Court files. (____)
35. FREE, VOLUNTARY, KNOWING AGREEMENT: My participation in the Program requires that I waive very important rights. I have fully discussed my rights with the Defense Attorney on the DUI Court Team before agreeing to enter into the Program. I am satisfied that I understand how the Program will affect my rights. At the time of executing this document, my thinking is clear and I am not under the influence of any substance. The decision to waive my rights and enter the Program is mine alone and made of my own free will. I expressly agree to accept and abide by all the terms and conditions of the DUI Court Treatment Program as established by the Court and the Treatment Provider. (____)
36. NO REVOCATION OF ASSIGNMENT: I hereby consent to this case being assigned to the DUI Court Judge for all purposes, including sanctions. (____)
37. The defendant consents to the disclosure of Drug/DUI Court application information, including a Risk/Needs Assessment and a Treatment Needs Assessment, prior to entry of a plea, for purposes of obtaining information useful for acceptance into the Drug/DUI Court Program. (____)

SIGNATURE OF DEFENDANT

DATE

STATE OF SOUTH DAKOTA

)

IN CIRCUIT COURT

)

COUNTY OF

)

JUDICIAL CIRCUIT

STATE OF SOUTH DAKOTA,

)

INTENSIVE PROBATION

Plaintiff

)

SUPERVISION

vs

)

)

DOCKET NO:

)

,

Defendant

)

In accordance with the judgment of conviction and order suspending sentence dated the _____ day of _____, you have been placed on Intensive Probation with Court Services by the Honorable _____ Circuit Court Judge, in and for _____ County, South Dakota. You shall comply with all the following terms and conditions in this order as well as any conditions stated in the order suspending sentence.

STANDARD CONDITIONS OF INTENSIVE PROBATION

1. You shall not violate any municipal, state or federal laws during supervision.
2. You shall maintain a permanent residence and shall not move from that residence without prior consent of your Court Services Officer.
3. You shall not leave the _____ County area unless given written permission by your Court Services Officer.
4. You shall report in person to your Court Services Officer as directed.
5. You shall allow the Court Services Officer to make either scheduled or unscheduled contacts at your place of employment, residence or other locations, and respond to all reasonable requests by the Court Services Officer.
6. You shall seek or maintain gainful employment and support yourself and your dependents. Or, with the consent of your Court Services Officer, you may attend a full-time education or training program. You shall not terminate the employment, education or training program without permission of your Court Services Officer, nor be terminated by your employer or education or training program for cause. If unemployed and not attending an education or training program, you shall actively

seek employment on a daily basis.

7. You shall not possess any firearm, explosive or other destructive device, or any other dangerous weapon.
8. You shall not consume nor possess alcoholic beverages or frequent establishments where they are sold or served.
9. That the Defendant not use any marijuana, controlled drugs or substances or have any in his possession and that he not associates with any known users of, or traffickers in, controlled drugs or substances.
10. You shall submit to periodic tests of your blood, breath and urine, as directed by the Court Services Officer.
11. You shall submit your person, property, place of residence and vehicle to search and seizure upon the demand of the Court Services Officer at any time of the day or night with or without a search warrant.
12. You shall obtain counseling and/or treatment for drug abuse, alcohol abuse or other area of need as directed by our Court Services Officer.
13. You shall complete a probation report form if requested during office visits and provide it to your Court Services Officer.
14. You shall report by telephone to your Court Services Officer as directed and leave your name, location, date and time of call.
15. You shall have a phone or access to a phone at your place of residence and place of employment.
16. You shall have transportation or make arrangements for transportation in order to fulfill the terms of your probation.
17. You shall have a "positive support" person in the community.
18. You shall complete community service hours as directed by your Court Services Officer.
19. You shall remain in your residence from _____ P.M. to _____ A.M. unless waived by your Court Services Officer. In the event of an emergency, you shall immediately notify your Court Services Officer.
20. You shall not frequent any areas nor associate with persons as designated by your Court Services Officer.
21. You shall comply with any other conditions as required by the Court or directed by your Court Services Officer.

22. You shall pay the following to the
Clerk of Courts,

(address)

\$ _____ Restitution ☐ individually liable ☐ jointly and severally
responsible

\$ _____ Court costs

\$ _____ Fines

\$ _____ Blood/drug/DNA/transcript costs

\$ _____ Court appointed attorney fees

\$ _____ Other _____

\$ _____

Payments of \$ _____ per month starting _____ and continuing during probation until paid in
full.

SPECIAL CONDITIONS OF INTENSIVE PROBATION

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

Dated this _____ day of _____, 20 _____

BY THE COURT:

ATTEST:

Circuit Court Judge

, Clerk

, Deputy

I have read these conditions carefully, have had them fully explained, and have received a copy of them. I have had the opportunity to ask questions about these conditions, understand them fully, and agree to abide by them. I also understand if I violate these conditions I have violated my probation and may be brought before the Court for revocation and imposition of sentence.

Defendant/Participant

Date

Court Services Officer

Date

DUI COURT MEMORANDUM OF UNDERSTANDING

The _____ DUI Court, including:

Judge: _____;

DUI Court Coordinator: _____;

Prosecuting Attorney: _____;

Defense Attorney: _____;

Addiction Treatment Representative: _____;

Mental Health Representative: _____;

Law Enforcement Representative: _____;

Court Services Officer: _____;

DUI Court Specialist: _____;

Evaluator: _____;

(include as needed): _____;

(include as needed): _____;

(include as needed): _____;

Hereby agree in principle concerning the anticipated roles, responsibilities, and expectations of the positions listed above.

In an effort to support a comprehensive program of services to meet the needs of qualified participants we, the team members, commit to the following:

DUI COURT JUDGE:

- Preside over courtroom proceedings
- Explain legal rights, options, and Program requirements and confirm them with each participant during the interview process
- Impose appropriate incentives and sanctions
- Work effectively with the DUI Court Team
- Review treatment progress and address it directly with the participant in Court, considering the recommendation of the DUI Court Team
- Supervise DUI Court administration
- Ensure participant compliance with DUI Court Program rules
- Acts as the ultimate arbiter of factual controversies

DUI COURT COORDINATOR:

- Oversee the activity of the Team
- Act as contact point for the DUI Court
- Actively work with clients
- Coordinate DUI Court schedules and Team meetings
- Work in conjunction with State Liaison to stay current on research
- Identify community partners, including employers and housing options
- Maintain and update program and participant manuals

PROSECUTING ATTORNEY:

- Actively participate in weekly staffing meetings
- Review potential participants for eligibility
- Make referrals to DUI Court
- Maintain a non-adversarial role during DUI Court proceedings
- Ensure compliance with state law
- Negotiate and complete plea agreements on behalf of the state
- Recommend appropriate sanctions and incentives
- Educate peer professionals on effectiveness of Program and changes in the state law that affect the Program
- Be a community advocate for effectiveness of Program

DEFENSE ATTORNEY:

- Actively participate in weekly staffing meetings
- Recommend appropriate sanctions and incentives
- Meet with participants prior to sentencing to review legal waiver, explain waiver and rights, and obtain participant signature on waiver
- Educate peer professionals on effectiveness of Program and changes in the state law that affect the Program
- Be a community advocate for effectiveness of Program
- Advocate for a fair process
- Maintain a non-adversarial role during DUI Court proceedings

TREATMENT AND MENTAL HEALTH REPRESENTATIVES:

- Actively participate in weekly staffing meetings
- Conduct assessment on new referrals
- Use evidence-based methodology
- Update DUI Court Team on progress of participants in a timely manner
- Establish rapport with participants
- Maintain confidentiality protection
- Ensure signing of all releases required for communication with DUI Court Team
- Provide group and individual sessions for participants
- Coordinate and advocate for pro-social activities

LAW ENFORCEMENT REPRESENTATIVE:

- Actively participate in weekly staffing meetings
- Provide possible referrals for DUI Court
- Assist Court Services Officer in home visits and checks of participants
- Report any and all violations
- Ensure public safety
- Serve as liaison between law enforcement agencies and the DUI Court Team
- Obtain criminal history and law enforcement contacts of participants
- Conduct random drug and alcohol testing before DUI Court hearings
- Be a positive role model for participants and community

COURT SERVICES OFFICER:

- Manage case and community supervision of each participant
- Act as referral to community resources
- Test participants for drugs
- Make home/school/employment visits
- Monitor and encourage participant compliance with Program
- Provide ongoing support for participants
- Maintain ongoing communication and sharing of information with DUI Court Evaluator
- Gather data for Evaluator
- Identify potential participants for DUI Court
- Maintain a confidential DUI Court file for each participant
- Serve as liaison between Unified Judicial System and the DUI Court Team
- Coordinate with law enforcement
- Coordinate services from each discipline and the local community in a manner that is most therapeutic to the DUI Court participant

DUI COURT SPECIALIST:

- Assist the Court Services Officer with case management
- Process billing and provide office administrative functions
- Compile data for evaluation project
- Maintain records
- Maintain log of incentives and sanctions
- Manage applications and distribute Team information

EVALUATOR:

- Assist the DUI Court Team in developing, capturing, and communicating useful and useable information for key stakeholders and other audiences
- Make Program adjustments
- Evaluate effectiveness of DUI Court
- Collect data from Court Service Officer

(include as needed):

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(include as needed):

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(include as needed):

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NOTE: Each member of the DUI Court Team is responsible to **attend and participate in weekly Court hearings and Team meetings while maintaining confidentiality.**

In addition, each Team member will be responsible for **dissemination of information** to their respective agency with regard to confidentiality laws that apply specifically to DUI Court participants. The following information will be shared within the Team to monitor the progress of participants:

- Assessment results pertaining to a participant's eligibility for DUI Court and treatment and supervision needs;
- Attendance at scheduled appointments;
- Drug and alcohol test results, including efforts to defraud or invalidate drug or alcohol tests;
- Attainment of treatment plan goals, such as completion of a required counseling regimen;
- Evidence of symptom resolution, such as reductions in drug cravings or withdrawal symptoms;
- Evidence of treatment-related attitudinal improvements, such as increased insight or motivation for change;
- Attainment of DUI Court phase requirements, such as obtaining and maintaining employment or enrolling in an educational program;
- Compliance with electronic monitoring, home curfews, travel limitations, and geographic or association restrictions;
- Adherence to legally prescribed and authorized medically assisted treatments;
- Procurement of unauthorized prescriptions for addictive or intoxicating medications;
- Commission of or arrests for new offenses; and
- Menacing, threatening, or disruptive behavior with staff members, fellow participants or other persons.

In creating this partnership and uniting in a single goal of addressing an underlying problem affecting our community, we are pledged to enhance communication between the courts, law enforcement and treatment programs. Through this linkage of services, we expect wider participation and greater effectiveness in addressing drug offenders involved in the criminal justice system.

_____ Judge	_____ Signature	_____ Date
_____ DUI Court Coordinator	_____ Signature	_____ Date
_____ Prosecutor	_____ Signature	_____ Date
_____ Defense Attorney	_____ Signature	_____ Date
_____ Addiction Treatment Representative	_____ Signature	_____ Date
_____ Mental Health Representative	_____ Signature	_____ Date
_____ Law Enforcement Representative	_____ Signature	_____ Date
_____ Court Services Officer	_____ Signature	_____ Date
_____ DUI Court Specialist	_____ Signature	_____ Date
_____ Evaluator	_____ Signature	_____ Date
_____ (include as needed)	_____ Signature	_____ Date
_____ (include as needed)	_____ Signature	_____ Date
_____ (include as needed)	_____ Signature	_____ Date